

## **A RESOLUTION BY THE DETROIT CITY COUNCIL**

### **RESOLUTION STRONGLY OPPOSING ANY CHANGE IN GOVERNANCE OF THE DETROIT WATER & SEWERAGE DEPARTMENT (DWSD)**

- WHEREAS** The City of Detroit has proudly owned and operated the Detroit Water & Sewerage Department (DWSD) since 1836, providing quality wholesale service to 126 neighboring communities comprising roughly 4.3 million residents – or nearly half the population of the State of Michigan while currently maintaining the eighth lowest combined monthly water and sewerage rates among the 20 most populated cities in the United States; and
- WHEREAS** Recent events and allegations contained in federal indictments have renewed calls by some suburban leaders for the creation of a regional authority to oversee DWSD; and
- WHEREAS** At least one member of the 96<sup>th</sup> Michigan Legislature is heeding said calls and has announced his intention to draft a bill to establish such an authority; and
- WHEREAS** Similar legislative attempts to supplant Detroit's autonomy over DWSD were defeated within the last decade due to legal and political deficiencies; and
- WHEREAS** Any attempt to change the governance structure of DWSD is contrary to and prohibited by law. The Michigan State Constitution, Art. VII, § 24, clearly states "Any city ... may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village..." Art. VII, § 34, further states that constitutional provisions and law concerning cities "shall be liberally construed in their favor"; and
- WHEREAS** Contracts between DWSD and numerous communities in Southeastern Michigan for the provision of water and/or sewerage services would be jeopardized by any attempt to change the governance structure of DWSD in clear violation of the Michigan State Constitution, Art. I, § 10, which provides that "No ... law impairing the obligation of contract shall be enacted"; and
- WHEREAS** Such legislation would also disregard the federal consent decree that has bound DWSD for more than 30 years. This consent decree has been continuously overseen and monitored by the federal court, with the assistance of court-appointed Special Masters, Special Administrators, and other personnel at the discretion of the court; and

**WHEREAS** In the course of this long-running litigation, the federal court has properly and emphatically interpreted state constitutional provisions to clearly grant Detroit exclusive control over the operation of DWSD, and to legally prohibit any change in governance structure, operation, control, management or other rights from the City of Detroit over DWSD; and

**WHEREAS** In addition to consistently maintaining the autonomy of the City of Detroit over DWSD, the federal court has continually encouraged greater regional cooperation without any change in the governance or control of DWSD; and

**WHEREAS** To accomplish cooperative goals and increase regional collaboration, DWSD, working in conjunction with the court, has established regional bodies such as the Business Leadership Group (BLG), the Technical Advisory Committee (TAC), the Southeast Michigan Consortium for Water Quality, and the Director's Council to improve communication, increase collaboration and resolve disputes; and

**WHEREAS** Any attempt to modify the current governance of DWSD also ignores the regional composition of the current Detroit Board of Water Commissioners – a seven-member panel that, among other things, sets rates for water and sewerage services, and includes three suburban representatives, one each from Wayne, Oakland and Macomb counties; and

**WHEREAS** The Detroit City Council is committed to expanding transparency and continuous improvement in this regional collaboration. The time is ripe to expand this dialogue and build on the foundation of combined strength to accomplish our region's shared goals; and

**WHEREAS** Legislation to modify the governance of DWSD may be politically advantageous for some but, ultimately, only serves to stoke animosity between the City of Detroit and its neighbors at a time when, in the words of our new Governor Rick Snyder, "We need to move from negative to positive ... stop being divisive and become inclusive"; and **NOW THEREFORE BE IT**

**RESOLVED** That the Detroit City Council resolutely opposes any change in the governance structure, operation, control or management of DWSD whether it be by legislative or any other means; and **BE IT FURTHER**

**RESOLVED** That the Detroit City Council strongly urges the members of the State Legislature to respect the City of Detroit's property rights and oppose any and all legislation that would modify the governance structure of DWSD, end the City's autonomy or weaken the City's ownership of its asset; and **BE IT FURTHER**

**RESOLVED** That the Detroit City Council strongly urges local leaders and stakeholders to engage in meaningful dialogue on this important topic without counter-productive rhetoric; and **BE IT FURTHER**

**RESOLVED** The Detroit City Council strongly urges the Mayor of the City of Detroit and the Detroit delegation of Michigan state lawmakers to stand in solidarity with the city's legislative branch in publicly opposing any and all attempts to change the governance structure of DWSD, end the City's autonomy or weaken the City's ownership of its asset; and **BE IT FINALLY**

**RESOLVED** The Detroit City Clerk is hereby instructed to send a copy of this resolution to the Honorable Dave Bing, Mayor of the City of Detroit; Governor Rick Snyder; individual members of the Michigan Legislature; the executives of Wayne, Oakland and Macomb counties; City of Detroit Lansing Lobbyist Governmental Consultant Services, Inc., and the Honorable Sean F. Cox.